

equivalents beyond that needed to patentably distinguish the claimed invention as a whole over the prior art. Applicants expressly reserve all such equivalents that may fall in the range between Applicants' literal claim recitations and combinations taught or suggested by the prior art.

Entry of this amendment is proper because it does not raise new issues that require further consideration or search, it does not raise issues of new matter, and because it places the application in better form for appeal.

II. Rejection of claims 29-39, 42, 44-52 and 56-59 under 35 U.S.C. § 102 (b)

Claims 29-39, 42, 44-52 and 56-59 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,316,819 to Sextl et al. ("Sextl"). The Applicants respectfully traverse this rejection.

As seen in amended claims 29 and 49, the heat shield of this invention includes an insulating material of mica, expanded graphite, perlite, and a mica decomposition. This feature is not disclosed by Sextl. In particular, Sextl discloses the use of silicon dioxide "used alone or in a mixture with other silicas or powdery substances" as an insulating material. Col. 4, lines 66-68. At no point does Sextl disclose an insulating material which does not include silicon dioxide. Sextl does not disclose every feature of the presently claimed invention. For at least this reason, the Applicants respectfully request that this rejection be withdrawn.

III. Rejection of claims 29, 40, 41, 43, 52-55, 58 and 59 under 35 U.S.C. § 102 (b)

Claims 29, 40, 41, 43, 52-55, 58 and 59 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 3,031,358 to Rutter et al. ("Rutter") and by U.S. Patent No. 3,003,902 to McDuff ("McDuff"). The Applicants respectfully traverse these rejections.

As seen in amended claims 29 and 49, the heat shield of this invention includes an insulating material of mica, expanded graphite, perlite, and a mica decomposition. This feature is not disclosed by Rutter or McDuff. In particular, neither Rutter nor McDuff the specific nature of the of the insulating material utilized. Rutter discloses that his insulating material is a blanket. Col. 2, lines 32-34. McDuff, on the other hand, discloses that his insulating material is a mat of felted glass fibers. Col. 2, lines 16-17. At no point do Rutter

or McDuff teach or suggest vermiculite, mica, perlite, expanded carbon or combinations thereof as suitable insulating materials. Rutter and McDuff do not disclose every feature of the presently claimed invention. For at least these reasons, the Applicants respectfully request that these rejections be withdrawn.


IV. Conclusion

For the above stated reasons, the Applicants respectfully submit that the application is now in a position for allowance. It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

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Respectfully submitted,



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MARKED UP COPY OF AMENDED CLAIM

29. (Amended) A method of manufacturing a heat shield suitable for use in motor vehicles comprising the steps of:

providing first and second plates, each said plate having an edge region and being at least partially plastically deformable;

providing an insulating material onto said first plate to cover at least a portion of said first plate;

compacting at least a portion of said insulating material; and

connecting said edge region of said first plate to said edge region of said second plate such that said insulating material is positioned between said first and second plate, wherein said insulating material is selected from the group consisting of mica, expanded graphite, perlite, and a mica decomposition.

49. (Amended) A heat shield suitable for use in motor vehicles comprising:
a first plate that is at least partially plastically deformable;
a second plate that is at least partially plastically deformable; and
an insulating materials;

wherein said first plate is connected to said second plate and said insulating material is positioned between said first plate and said second plate and is selected from the group consisting of mica, expanded graphite, perlite, and a mica decomposition.